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PATENT  
Customer No. 22,852  
Attorney Docket No. 5552.0953-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mathias FIBI et al.

Serial No.: 08/897,441

Filed: July 21, 1997

For: *Erythropoietin (EPO) Peptides and  
Antibodies Directed Against These*

Group Art Unit: 1642

Examiner: K. Canella

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO OFFICE ACTION**

In response to the Office Action of September 25, 2001, Applicants request consideration of the following arguments.

**REMARKS**

Claims 5-7, 9-12, and 14-23 are pending. Applicants gratefully acknowledge the Office's withdrawal of its previous rejections under 35 U.S.C. §§ 112, first and second paragraphs. The Office has reasserted its rejection of claims 6, 7, 11, and 17-21 for alleged obvious-type double patenting. Further, the Office currently rejects claims 5, 6, 11, 12, 17-20, and 23 under 35 U.S.C. § 102(b) and claim 10 under 35 U.S.C. § 103(a). Applicants address each outstanding rejection under its respective statutory section below.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com